

**SO ORDERED.**

**SIGNED this 10 day of December, 2010.**



UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF NEW YORK  
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**DIANE DAVIS**  
**UNITED STATES BANKRUPTCY JUDGE**

In re:

**PATRICK HACKETT HARDWARE COMPANY,**

**Case No. 09-63135**  
**Chapter 11**

Debtor.  
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**ORDER CONVERTING CHAPTER 11 CASE TO A CASE UNDER CHAPTER 7**  
**AND DIRECTING DEBTOR TO COMPLY WITH FRBP 1019**

**UPON**, the Motion by the United States Trustee for Region 2 (the “United States Trustee”) for an Order Converting this Chapter 11 case, pursuant to 11 U.S.C. § 1112 (b), and Key Bank National Association, having filed a response in support of the United States Trustee’s Motion, and opposition to the relief requested having been submitted on behalf of Patrick Hackett Hardware Company, and a hearing on said motion having been held on December 9, 2010, and Erin P. Champion, Esq., having appeared on behalf of the United States Trustee, Cooley LLP, Brent Weisenberg, Esq., of counsel, having appeared on behalf of the Official Committee of Unsecured Creditors, Nolan & Heller, LLP, Francis J. Brennan, Esq., of counsel, having appeared on behalf of Key Bank National Association, and David P. Antonucci, Esq., having appeared on behalf of the Debtor, Hiscock & Barclay, LLP, Eric Charleton, Esq., of

counsel, having appeared on behalf of Seaway Valley Capital Corporation, and David L. Ganje, Esq., having appeared on behalf of True Value Hardware, Riemer & Braunstein LLP, Jeffrey D. Ganz, Esq., of counsel, having appeared on behalf of YA Global Investments, L.P., and it appearing that conversion is in the best interest of the creditors and the estate and it appearing further that sufficient cause for conversion of the case to chapter 7 has been shown pursuant to 11 U.S.C. §1112(b) including substantial and continuing loss or diminution to the estate and the absence of a reasonable likelihood of rehabilitation and Debtor's failure to comply with an order of the court by failing to timely file its monthly operating reports, it is hereby,

**ORDERED**, that the above-referenced Chapter 11 case be and hereby is, converted to a case under Chapter 7 of the Bankruptcy Code; and it is further

**ORDERED**, that the Debtor shall forthwith comply with the applicable provisions and mandates of Federal Rule of Bankruptcy Procedure 1019, including:

(1) the turnover to the Chapter 7 Trustee of all records and property of the estate under Debtor's custody and control as required pursuant to Rule 1019(5); and

(2) not later than 30 days after the effective date of the conversion, the debtor shall file an accounting of all receipts and disbursements made during the pendency of the chapter 11 case; and

(3) not later than 15 days after the effective date of the conversion, the debtor shall file a schedule of all unpaid debts incurred after the commencement of the chapter 11 case as required pursuant to Rule 1019(5).

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